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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/001,945	11/01/2001	Gary L. Olson	PPI-106CP2	9920
959	7590	10/20/2005	EXAMINER	
LAHIVE & COCKFIELD, LLP. 28 STATE STREET BOSTON, MA 02109			RUSSEL, JEFFREY E	
			ART UNIT	PAPER NUMBER
			1654	
DATE MAILED: 10/20/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/001,945	Applicant(s) OLSON ET AL.	
	Examiner Jeffrey E. Russel	Art Unit 1654	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 28 September 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because:
- (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☒ They present additional claims without canceling a corresponding number of finally rejected claims.
- NOTE: See attachment. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: None.

Claim(s) objected to: None.

Claim(s) rejected: 1-65.

Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See attachment.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____

13. ☐ Other: _____.

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1. The Sequence Listing filed September 28, 2005 has been approved.
2. Applicants' proposed response, if entered, would have overcome the requirement set forth in section 1 and the objection set forth section 3 of the final Office action.
3. In the proposed amendment to the paragraph at page 15, lines 3-13, Applicants have re-inserted a misspelled word, "pyridylproprionic". In the proposed amendment to Table IV, Applicants have re-inserted a misspelled word, "proprionic". Applicants' proposed response would have overcome the other objections set forth in section 4 of the final Office action.
4. Applicants' proposed response, if entered, would have overcome the rejection set forth in section 5 of the final Office action.
5. Applicants did not respond to the rejection of claims 34-41 under 35 U.S.C. 112, second paragraph, set forth in section 6 of the final Office action. Applicants' proposed response would have overcome the other rejections set forth in this section.
6. Applicants' proposed response, if entered, would have overcome the objections set forth in section 7 of the final Office action. However, the proposed response creates the following claim informalities: At claim 5, line 2, "or" should be inserted after the last comma in the line, and at line 3, the comma after "group" should be deleted. At claim 20, last line of page 8, there appears to be a period at the end of the line, which should probably be changed to a semicolon. At claim 39, line 1, the comma after "linear" should be deleted.
7. With respect to the objection set forth in section 8 of the final Office action, the objection to claim 4 would be maintained. Dependent claim 4 does not require its alkyl groups to be substituted, as is required by independent claim 1. Applicants' proposed response would have overcome the other objections set forth in this section.

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8. Applicants' proposed response, if entered, would have overcome the rejection set forth in section 10 of the final Office action.

9. The provisional rejection of claims 21 and 22 set forth in section 11 of the final Office action will be maintained.

10. With respect to the rejection set forth in section 13 of the final Office action, had Applicants' proposed response been entered, claims 2-6 and 62-65 would no longer be included in the rejection, and claims 41, 48, and 51-56 would have to be included in the list of rejected claims due to the proposed changes to the claimed structural formulas.

11. Applicants' statement of common ownership satisfies the requirements made in sections 14, 17, and 19 of the final Office action.

12. The provisional rejection set forth in section 15 of the final Office action will be maintained.

13. With respect to the provisional rejection set forth in section 16 of the final Office action, had Applicants' proposed response been entered, claims 2-6, 57, and 62-65 would no longer be included in the rejection, and claims 41, 48, and 51-56 would have to be included in the list of rejected claims due to the proposed changes to the claimed structural formulas. Note that because Application No. 09/972,772 has been allowed and the issue fee paid, the procedure set forth in MPEP 822.01 is not applicable to this provisional rejection. Note also that in Applicants' discussion of this provisional rejection, Applicants recite an incorrect serial number. Any terminal disclaimer submitted in response to this provisional rejection should be carefully reviewed to ensure that the correct application serial number is recited.

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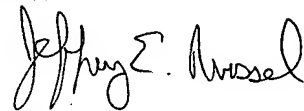
14. With respect to the rejection set forth in section 18 of the final Office action, had Applicants' proposed response been entered, claims 2-6 and 62-65 would no longer be included in the rejection, and claims 41, 48, and 51-56 would have to be included in the list of rejected claims due to the proposed changes to the claimed structural formulas.

15. With respect to the provisional rejection set forth in section 20 of the final Office action, had Applicants' proposed response been entered, claims 2-6 and 62-65 would no longer be included in the rejection, and claims 41, 48, and 51-56 would have to be included in the list of rejected claims due to the proposed changes to the claimed structural formulas.

16.r Applicants' proposed response, had it been entered, would have overcome the prior art rejections set forth in sections 23-26 of the final Office action.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey E. Russel at telephone number (571) 272-0969. The examiner can normally be reached on Monday-Thursday from 8:30 A.M. to 6:00 P.M. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Bruce Campell can be reached at (571) 272-0974. The fax number for formal communications to be entered into the record is (571) 273-8300; for informal communications such as proposed amendments, the fax number (571) 273-0969 can be used. The telephone number for the Technology Center 1600 receptionist is (571) 272-1600.



Jeffrey E. Russel
Primary Patent Examiner
Art Unit 1654

JRussel
October 13, 2005